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In re Application of

OLSEN, Jes

Application No.: 10/541,439

PCT No.: PCT/DK04/00003

Int. Filing Date: 06 January 2004

Priority Date: 06 January 2003

Atty. Docket No.: 66722-07-7

For: METHOD AND DEVICE FOR
IMPROVING HEARING AND
FITTING

DECISION

This decision is issued in response to applicant's "Request for Corrected Filing Receipt" dated 19 April 2006 which is being treated as a Request for a Notice of Acceptance of Application and Corrected Official Filing Receipt. Applicant's request is being treated as a Petition under 37 CFR 1.181.

BACKGROUND

On 05 July 2005, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; an application data sheet; and a preliminary amendment.

On 06 October 2005, applicant filed an executed declaration of inventorship.

On 15 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 05 July 2005 and a 35 U.S.C. 371 completion date of 06 October 2005.

On 19 April 2006, applicant filed Request for Corrected Filing Receipt.

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 05 July 2005 to 06 October 2005. The actual filing date of the present application is the international filing date, i.e., 06 January 2004. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the declaration was filed with the USPTO on 06 October 2005, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. Therefore, the correction of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date on the Notification of Acceptance and Official Filing Receipt to indicate a date of 06 October 2005 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 06 October 2005. (See MPEP section 1893.03(b)).

Additionally, applicant indicates that Robert Roithinger has been improperly named as an applicant/inventor for the above-identified application. A review of the published international application reveals that Robert Roithinger is not an applicant/inventor for the above-identified application. The declaration executed by Robert Roithinger will be forwarded to the appropriate application.

The above-identified application is the national stage application of PCT/DK04/00003 (PCT/DK2004/000003). For USPTO purposes, the international application number will be indicated as PCT/DK04/00003.

CONCLUSION

Applicant's request for issuance of a corrected filing receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 15 November 2005 is hereby **VACATED**.

The application has an international filing date of 06 January 2004 under 35 U.S.C. 363 and a date of **06 October 2005** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **06 October 2005** U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of **06 October 2005**.



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